

PD-1090-18 & PD-1091-18
In the Court of Criminal Appeals of Texas
At Austin

FILED
COURT OF CRIMINAL APPEALS
3/14/2019
DEANA WILLIAMSON, CLERK

Nos. 14-15-01005-CR & 14-15-01006-CR
In the Court of Appeals
For the Fourteenth District of Texas
At Houston

Nos. 1374837 & 1374838
In the 177th District Court
Of Harris County, Texas

Nathan Ray Foreman
Appellant

v.

The State of Texas
Appellee

**State's First Motion for Extension of Time
To File a Brief on the Merits**

To the Honorable Court of Criminal Appeals:

The State of Texas asks for an extension of time until April 1 (15 days) to file its brief on the merits. The following facts are relevant.

1. The appellant was indicted for aggravated robbery and aggravated kidnapping. (1 CR 17; 2 CR 15).¹ The indictments con-

¹ For ease of citation, the State will refer to the clerk's records in these cases as though they were sequential volumes. Thus the record for cause 1374837 will be 1

tained an enhancement paragraph alleging that the appellant had a prior felony conviction. (1 CR 17; 2 CR 15). The appellant pleaded not guilty, but a jury found him guilty as charged. (3 RR 27-28; 1 CR 242; 2 CR 256). The appellant pleaded “true” to the enhancements and the trial court assessed punishment at 50 years’ confinement for each case, to run concurrently. (1 CR 243; 2 CR 243). The trial court certified the appellant’s right of appeal, and the appellant filed a timely notice of appeal for both cases. (1 CR 246, 247; 2 CR 260).

2. On August 10, 2017, a divided panel of the Fourteenth Court affirmed the trial court, with one justice concurring and one justice dissenting. The appellant filed a motion for en banc reconsideration, which was granted. On August 31, 2018, The en banc Fourteenth Court issued a published opinion reversing the trial court. *Foreman v. State*, 561 S.W.3d 218 (Tex. App.—Houston [14th Dist.] 2018, pet. granted). Two justices dissented. *Id.* at 245-253 (ops. of Jamison, J., and Donovan, J., dissenting).

3. This Court granted the State's petition for discretionary review on February 13, 2019. The State's brief is due March 15, 2019.
4. This is the State's first request for extension.
5. Since this Court granted the State's petition on February 13, the undersigned attorney has submitted appellate briefs in three other cases. Additionally, the undersigned attorney has a scheduled oral argument (which he did not request) on March 19, and he is having to use time this week preparing for that.
6. The undersigned attorney has two other active cases assigned to him and is attempting to submit briefs in a timely manner.

WHEREFORE, the State asks this Court to grant an extension of time to file its brief for fifteen days, until April 1.

Respectfully submitted,

/s/ C.A. Morgan
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Certificate of Service

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Date: March 14, 2019